

1 Mark R. Vermeulen [CSBN 115381]
2 Law Office of Mark R. Vermeulen
3 755 Florida Street #4
4 San Francisco, CA 94110.2044
5 Phone: 415.824.7533
6 Fax: 415.824.4833
7 vermeulen@mindspring.com

8 Attorney for Defendant
9 WEN BING LEI

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 WEN BING LEI,
17 Defendant.

No. 15-cr-71548-SK

**STIPULATION AND [Proposed] ORDER TO
CONTINUE HEARING AND TO EXCLUDE
TIME**

Date: March 30, 2016
Time: 9:30 a.m.
Court: Hon. Joseph C. Spero

18 This matter is set for a preliminary hearing or return of an indictment before this Court on March
19 30, 2016. The parties request that this matter be continued to May 5, 2016 at 9:30 a.m. for further
20 setting. Pursuant to Fed. R. Crim. P. 5.1(d), the defendant consents to extending the time limits set forth
21 in Fed. R. Crim. P. 5.1(c) to exclude from the 14-day limit the time from March 30, 2016 to the newly
22 proposed hearing date (i.e., May 5, 2016) to accommodate this request, and defense counsel is
23 continuing to review discovery, to conduct investigation, and to otherwise prepare the defense. As a
24 result, the parties request that the Court exclude time between March 30, 2016 and May 5, 2016 for
25 effective preparation of defense counsel, taking into account the exercise of due diligence, and pursuant
26 to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The extension is not sought for delay, and the parties agree

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1 that the ends of justice served by granting the continuance outweigh the best interests of the public and
2 the defendant in a speedy trial.

3 Dated: March 15, 2016

Brian J. Stretch
Acting United States Attorney

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5 /S/
William Frentzen
Assistant United States Attorney

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7 Dated: March 15, 2016

8 /S/
Mark R. Vermeulen
Attorney for Defendant
WEN BING LEI

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10 ORDER

11 IT IS HEREBY ORDERED that this matter is continued to May 5, 2016 at 9:30 a.m. for further
12 setting.

13 IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 5.1(d), the 14-day limit set forth
14 in Fed. R. Crim. P. 5.1(c) shall be extended, such that the 14-day limit shall run from May 5, 2016.

15 IT IS FURTHER ORDERED that time between March 30, 2016 and May 5, 2016 is excluded
16 pursuant to the Speedy Trial Act for effective preparation of defense counsel, taking into account the
17 exercise of due diligence, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Based upon the
18 parties' stipulation, the Court finds that the extension is not sought for delay, and the ends of justice
19 served by granting the continuance outweigh the best interests of the public and the defendant in a
20 speedy trial.

21 IT IS SO ORDERED.

22 Dated: March 18, 2016

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JOSEPH C. SPERO
United States Magistrate Judge